

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAVALIERS OPERATING COMPANY, LLC, et al.,	:	Case Nos. 07cv2317 and 08cv240
Plaintiff(s),	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
TICKETMASTER, et al.,	:	<u>MEMORANDUM & ORDER</u>
Defendant(s).	:	

Before the Court is the *Motion of Cavaliers Operating Co. to Stay Proceedings* (ECF Doc. 195, Case No. 08cv240)¹, which was filed by the Cavaliers Operating Co., LLC (“the Cavaliers”) on November 13, 2008. The motion requests that the Court stay all proceedings in the above captioned consolidated cases until the resolution of the appeal now pending before the United State Court of Appeals for the Sixth Circuit from this Court’s Order dated September 30, 2008 (ECF Doc. 183).

Although the Court does not fully resolve the Cavaliers’ motion to stay *all* proceedings at this point in time, discovery with respect to the damages portion of the breach of contract bench trial held on July 10 and 11, 2008 is hereby **STAYED** until further notice. Notably, for the time being, the only aspect of these cases that is stayed is the portion of the Court’s September 30 Order (ECF Doc. 183) which orders discovery to begin immediately relating to the determination of damages, if any, arising from the Cavaliers’ breaches of the contract between the parties (*i.e.*, the “Licensed User

¹ All references to docket entries in this Order refer to Case No. 08cv240 unless otherwise noted.

Agreement” or “LUA”). The Court imposes this stay to maintain the *status quo* until it can issue its Findings of Fact and Conclusions of Law in connection with the breach of contract bench trial and address other motions pending in this case, including, but not necessarily limited to, the Cavaliers’ *Motion to Suspend Injunction Pending Appeal* (ECF Doc. 185), both of which it has spent substantial time analyzing and both of which shall be issued in the near term. This stay is appropriate given the confusion and issues that have arisen regarding the impact of the injunction imposed by the Court’s Order of September 30, 2008.

CONCLUSION

Discovery with respect to damages flowing from the Cavaliers’ breach of the LUA is hereby **STAYED** until further notice.

IT IS SO ORDERED.

s/Kathleen M. O’Malley
KATHLEEN McDONALD O’MALLEY
UNITED STATES DISTRICT JUDGE

Dated: November 18, 2008